

In the Claims

A full listing of the claims follows:

1. (Currently amended) A composition, ~~in particular a pulverulent masterbatch,~~ comprising at least one nanoclay ~~composed of~~ comprising a swellable inorganic layered material which has been modified by at least one siloxane component and by at least one non-anionic ~~organic component~~ fatty acid derivative which has at least one aliphatic or cyclic radical having from 6 to 32 carbon atoms.
2. (Currently amended) The composition as claimed in claim 1, characterized in that the average particle size of the nanoclay ~~present~~ is from 0.1 to 1000 μm , ~~preferably from 0.1 to 100 μm , particularly preferably from 1 to 15 μm , and very particularly preferably from 2 to 10 μm .~~
3. (Currently amended) The composition as claimed in claim 1 ~~or 2~~, characterized in that the nanoclay ~~present encompasses~~ comprises a ground nanoclay.
4. (Currently amended) The composition as claimed in ~~any of claims 1 to 3~~ claim 1, characterized in that the inorganic layered material ~~has been selected from~~ comprises naturally occurring or synthetic phyllosilicates.

5. (Currently amended) The composition as claimed in ~~any of the preceding claims,~~ characterized in that claim 1 wherein the non-anionic ~~organic component encompasses at least one non-anionic fatty acid derivative,~~ in particular fatty acid derivative is selected from the group consisting of the derivatives of the saturated or unsaturated fatty acids, and ~~of the polymer fatty acids, particularly preferably from the group of the fatty alcohols, fatty amines, triglyceride esters, alkyl esters of fatty acids, and waxes~~ and mixtures thereof.
6. (Currently amended) The composition as claimed in ~~any of the preceding claims,~~ characterized in that claim 1 wherein the non-anionic ~~organic component~~ fatty acid derivative has at least one aliphatic or cyclic radical having from 8 to 22 carbon atoms, ~~in particular from 10 to 18 carbon atoms.~~
7. (Currently amended) The composition as claimed in ~~any of the preceding claims,~~ characterized in that claim 1 wherein the fatty acid derivative derives from fatty acids having from 10 to 30 carbon atoms.
8. (Currently amended) The composition as claimed in ~~any of the preceding claims~~ claim 1, characterized in that the fatty acid

derivative ~~has been~~ is selected from the group consisting of hydrogenated derivatives, alcohol derivatives, amine derivatives, ~~or~~ and their mixtures.

9. (Currently amended) The composition as claimed in ~~any of the preceding claims~~ claim 1, characterized in that the fatty acid derivatives derive from the group consisting of ~~the~~ polymeric fatty acids, ~~of the~~ keto fatty acids, ~~of the~~ fatty acid alkyloxazolines and fatty acid alkylbisoxazolines, ~~or~~ and their mixtures.

10. (Currently amended) The composition as claimed in ~~any of the preceding claims~~ claim 1, characterized in that the siloxane component ~~has been~~ is selected from the group consisting of ~~the~~ oligomeric or ~~the~~ polymeric siloxanes ~~and, respectively,~~ siloxane derivatives, ~~in particular composed of~~ including oligoalkylsiloxanes, ~~of~~ polydialkyl-siloxanes, ~~of~~ polyalkylarylsiloxanes, ~~of~~ and polydiarylsiloxanes, ~~or~~ and their mixtures.

11. (Currently amended) The composition as claimed in ~~any of the preceding claims~~ claim 1, characterized in that the siloxane component ~~has been selected from~~ comprises siloxane derivatives functionalized by at least one reactive group.

12. (Currently amended) The composition as claimed in ~~any of the preceding claims,~~ characterized in that the additive or the ~~additive mixture also comprises at least one other component, in particular for improvement of flowability during processing in a polymer,~~ preferably claim 1 further comprising a component selected from the group consisting of the ethylene-propylene copolymers (EPM), ~~the~~ ethylene-propylene terpolymers (EPDM), ~~the~~ thermoplastic elastomers, ~~the~~ coupling agents, ~~the~~ crosslinking agents, ~~or~~ and mixtures of these.
13. (Currently amended) The composition as claimed in claim 12, characterized by an average molecular weight of the EPM and/or EPDM of less than 20 000.
14. (Currently amended) The composition as claimed in claim 12 ~~or 13,~~ characterized by an ethylene:propylene ratio of the EPM and EPDM from 40:60 to 60:40 ~~in EPM and/or EPDM.~~
15. (Currently amended) ~~The composition in the form of a A~~ substantially homogeneous mixture of the ~~pre-exfoliated nanoclay composition~~ as claimed in ~~any of claims 1 to 14~~ claim 1 with a polymer powder.

16. (Currently amended) A polymer-containing composition, ~~in particular a polymer masterbatch,~~ which has been obtained via compounding ~~of~~ the composition as claimed in ~~any of claims 1 to 15~~ claim 1 with a ~~predetermined~~ carrier polymer.
17. (Currently amended) The polymer-containing composition as claimed in claim 16, characterized in that the ~~predetermined~~ carrier polymer ~~has been~~ is selected from the group consisting of polyethylene-ethylene-vinyl acetate copolymer (EVA), ethylene-ethyl acrylate copolymer (EEA), ethylene-methyl acrylate copolymer (EMA), ethylene-butyl acrylate copolymer (EBA), their maleic-anhydride-(MAH)-modified derivatives, ionomers, styrene-elastomer systems, ether-ester block copolymers, polyether-polyamide block copolymers (PEBA), mixtures of thermoplastic polymers, thermoplastic polyurethane elastomers, thermoplastic silicone rubber, ~~or from~~ and their mixtures.
18. (Currently amended) The polymer-containing composition as claimed in claim 16 ~~or 17,~~ ~~characterized by~~ wherein a proportion of the carrier polymer ~~of~~ comprises from 10 to 90%, ~~preferably from 40 to 70%.~~

19. (Currently amended) The polymer-containing composition as claimed in ~~any of claims 16 to 18~~ claim 16 in pellet or granular form.
20. (Currently amended) ~~The use of the composition as claimed in any of claims 1 to 15 or of the polymer-containing composition as claimed in any of claims 16 to 19 as~~ A filler in polymers or polymer compositions comprising the polymer-containing composition as claimed in claim 16.
21. (Currently amended) ~~The use of the composition as claimed in any of claims 1 to 15 or of the polymer-containing composition as claimed in any of claims 16 to 19 in~~ A filler systems system for polymers or polymer compositions comprising the polymer-containing composition as claimed in claim 16.
22. (Currently amended) ~~The use as claimed in claim 21~~ A material comprising the filler system of claim 21 in combination with a flame-retardant halogen-containing or halogen-free filler.
23. (Canceled)
24. (Currently amended) The ~~use~~ material as claimed in claim ~~23~~ 22, characterized in that the halogen-free flame-retardant

filler ~~has been~~ is selected from the group consisting of aluminum hydroxide, aluminum oxide hydrate (boehmite), magnesium hydroxide, magnesium oxide, brucite, magnesium carbonate, hydromagnesite, huntite, bauxite, calcium carbonate, talc, glass powder, melamine isocyanurates, their derivatives and preparations, borates, stannates, and hydroxystannates, phosphates, ~~or~~ and their mixtures.

25. (Currently amended) ~~The use as claimed in claim 20 as filler in polyolefins and their mixtures, in engineering~~ Engineering plastics and their mixtures, and ~~also~~ alloys containing the filler of claim 20.

26. (Currently amended) ~~The use as claimed in claim 20 or 21 for elastomers~~ Elastomers and thermosets containing the filler of claim 20.

27. (Canceled)

28. (New) The composition as claimed in claim 1 wherein the non-anionic fatty acid derivative is selected from the group consisting of fatty alcohols, fatty amines, triglyceride esters, alkyl esters of fatty acids, and waxes and mixtures thereof.

29. (New) The composition as claimed in claim 1 wherein the non-anionic fatty acid derivative has at least one aliphatic or cyclic radical having 10 to 18 carbon atoms.
30. (New) A process for the preparation of the composition as claimed in claim 1 comprising the steps of
- a) providing a pulverulent nanoclay, and
 - b) coating the nanoclay with at least one siloxane component and at least one non-anionic fatty acid derivative which has at least one aliphatic or cyclic radical having from 6 to 32 carbon atoms.

Basis for Amendments to Claims

The applicants have amended all the claims of the application, canceled claims 23 and 27 and added new claims 28-30. All claims of the application, as originally filed, were amended during the PCT process. In particular, claim 1 was amended to narrow the "non-anionic organic component" to non-anionic "fatty acid derivative". Basis for this amendment is contained on page 6, lines 20-25 of the application. The applicants have also added new claims 28-30. Basis for new claim 28 is contained on pages 6-8 of the application. Basis for new claim 29 is contained on page 6, lines 20-25. Basis for claim 30 is contained throughout the application and claims, as filed.

The claims of the application have been amended to put them in proper format for review by the USPTO as the claims as filed were in format for prosecution before the European Patent Office.

No new subject matter is added by any of the amendments to the claims or by the addition of new claims. No amendments are made to the claims based on prior art.

CONCLUSION

The applicants believe the application is now in condition for review by the United States Patent and Trademark Office. If there are any questions concerning the application, please contact the applicants' counsel.

Respectfully submitted,



Scott R. Cox
Reg. No. 31,945
LYNCH, COX, GILMAN & MAHAN, P.S.C.
500 West Jefferson Street, Suite 2100
Louisville, Kentucky 40202
(502) 589-4215

CERTIFICATE OF SERVICE

I hereby certify that this correspondence is being deposited with the United States Postal Service in an envelope as Express Mail Post Office to Addressee," mailing Label Number ER280889795US, envelope addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated:

July 6, 2005



Janice Coffman

SRC:jc
C:\SRC\patent\p1262\Preliminary Amendment.wpd
412620
07-05-05